

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

8

Application Number

10/810,446

Filing Date

March 25, 2004

First Named Inventor

Edward Raymond Dowski, Jr.

Art Unit

2873

Examiner Name

Alicia M. Harrington

Attorney Docket Number

420228

**ENCLOSURES (check all that apply)**☒ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☒ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/  
Incomplete Application☐ Reply to Missing Parts  
under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board  
of Appeals and Interferences☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)  
(please identify below):Information Disclosure Statement  
Transmittal

Copy of 13 References

Certificate of Mailing &amp; Return Post Card

**Remarks****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm

LATHROP &amp; GAGE LC

Signature

Printed Name

Curtis A. Vock

Date

August 1, 2005

Reg.  
No.

38,356

**CERTIFICATE OF MAILING 37 CFR 1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail Post Office to Addressee (Label No. EV257839795US) in an envelope addressed to: \_\_\_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

MiMi Nguyen

Date

August 1, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



PATENT  
Attorney Docket No.: 420228  
Express Mail Label No.: EV257839795US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	Edward Raymond Dowski, Jr.	Examiner	Alicia M. Harrington
Serial No.	10/810,446	Group Art No.	2873
Filed	March 25, 2004	Confirmation No.	8923
For	Mechanically-Adjustable Optical Phase Filters For Modifying Depth Of Field, Aberration-Tolerance, Anti-Aliasing In Optical Systems		

August 1, 2005

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Dear Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.97(b), or  
(Within three months of filing national application, or date of entry of national application, or before mailing date of first office action on the merits, whichever occurs last)
- ☒ under 37 CFR 1.97(c) together with either a:  
☐ Statement under 37 CFR 1.97(e), or  
☒ a \$180 fee under 37 CFR 1.17(p), or  
(After the CFR 1.97(b) time period, but before final action or notice of allowance, which ever occurs first)
- ☐ under 37 CFR 1.97(d) together with a:  
☐ Statement under 37 CFR 1.97(e)(1) or (2), and  
☐ a \$180.00 fee set forth in 37 CFR 1.17(p).  
(Filed after final action, a notice of allowance, on or before payment of issue fee)

Please charge to Deposit Account 12-0600 the sum of \$180.00. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 12-0600 pursuant to 37 CFR 1.25.

☒ Applicant(s) submit herewith Form PTO 1449 – Information Disclosure Citation together with copies of patents, publications or other information of which applicant(s) are aware, which applicant(s) believe(s) may be material to the examination of the application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

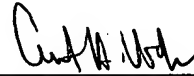
☐ A concise explanation of the relevance of foreign language patents, foreign language publications and other foreign language information listed on PTO Form 1449, as

presently understood by the individual(s) designated in 37 CFR 1.56(c) most knowledgeable about the content is given on the attached sheet, or where a foreign language patent is cited in a search report or other action by a foreign patent office in a counter part foreign application, an English language version of the search report or action which indicates the degree of relevance found by the foreign office is listed on form PTO 1449 and is enclosed herewith

It is requested that the information disclosed herein be made of record in this application

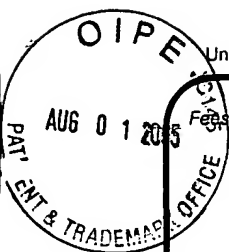
Respectfully submitted,

LATHROP & GAGE LLC



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Curtis A. Vock, Reg. No. 38,356  
4845 Pearl East Circle, Suite 300  
Boulder, Colorado 80301  
Tel No: (720) 931-3011  
Fax No: (720) 931-3001



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

## FEE TRANSMITTAL for FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

### Complete if Known

Application Number	10/810,446
Filing Date	March 25, 2004
First Named Inventor	Edward Raymond Dowski, Jr.
Examiner Name	Alicia M. Harrington
Art Unit	2873
Attorney Docket No.	420228

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: 12-0600 Deposit Account Name: LATHROP & GAGE LC

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments  
Under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION

#### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

#### 2. EXCESS CLAIM FEES

##### Fee Description

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee(\$)	Fee Paid (\$)	Multiple Dependent Claims
_____ -20 or HP= _____	x _____	= _____		Fee (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee(\$)	Fee Paid (\$)
_____ - 3 or HP= _____	x _____	= _____	

HP = highest number of independent claims paid for, if greater than 3.

#### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

#### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : late filing of IDS

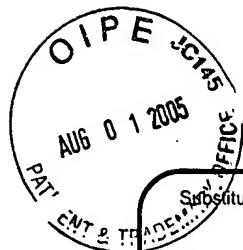
Fees Paid (\$)  
\_\_\_\_\_  
\$180

### SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	38,356	Telephone	(720) 931-3011
Name (Print/Type)	Curtis A. Vock	Date	August 1, 2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2

**Complete if Known**

Application Number	10/810,446
Filing Date	March 25, 2004
First Named Inventor	Edward Raymond Dowski, Jr.
Art Unit	2873
Examiner Name	Alicia M. Harrington
Attorney Docket Number	420228

**U.S. PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US- 4,650,292	03-17-1987	Baker, et al.	
		US- 5,521,695	05/28/1996	Cathey, Jr. et al.	
		US- 5,748,371	05/05/1998	Cathey, Jr. et al.	
		US- 5,870,179	02/09/1999	Cathey, Jr. et al.	
		US- 6,069,738	05/07/1999	Cathey, Jr. et al.	
		US- 2002-0118457A1	8/29/2002	Dowski, Jr.	
		US- 2002/0134921	9/26/2002	Cathey, Jr.	
		US- 2003/0127584	7/10/2003	Dowski, Jr. et al.	
		US- 2004/0145808A1	7/29/2004	Cathey, Jr. et al.	
		US- 2004/0190762A1	9/30/2004	Dowski, Jr. et al.	
		US- 2004/0257543A1	12/23/2004	Dowski, Jr. et al.	
		US- 2005/0088745A1	4/28/2005	Cathey, Jr. et al.	
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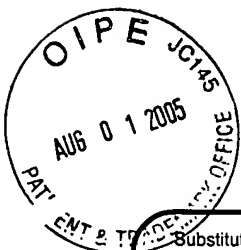
**FOREIGN PATENT DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		WO 99/35529	7/15/1999	Univ. Tech Corp		
		WO 99/57599	11/11/1999	Univ. Tech Corp		
		WO 01/99431 A3	12/27/2001	Univ. Tech Corp		
		WO 02/19723	3/7/2002	Univ. Tech Corp		
		WO 03/052492	6/26/2003	Univ. Tech Corp		
		WO 02/052331 A3	07/04/2002	CDM Optics, Inc.		
		WO 02/057832A3	7/25/2002	CDM Optics, Inc.		
		WO 02/099511	12/12/2002	CDM Optics, Inc.		
		WO 03/009041A3	1/30/2003	CDM Optics, Inc.		
		WO 03/021333A1	3/13/2003	CDM Optics, Inc.		
		WO 03/073153A1	9/4/2003	CDM Optics, Inc.		
		WO 2005/054927	06/16/2005	CDM Optics, Inc.		
Examiner Signature				Date Considered		

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08b(08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 2 of 2

**Complete if Known**

Application Number	10/810,446
Filing Date	March 25, 2004
First Named Inventor	Edward Raymond Dowski, Jr.
Art Unit	2873
Examiner Name	Alicia M. Harrington
Attorney Docket Number	420228

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		PLUMMER, ET AL. "Photographic Optical Systems With Nonrotational Aspheric Surfaces" Applied Optics, Vol. 38, No. 16, pp. 3572-3592, June 1, 1999	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# IFW

**CERTIFICATE OF MAILING BY  
EXPRESS MAIL POST OFFICE TO ADDRESSEE (37 CFR 1.10)**

Matter No.

Applicant(s): Edward Raymond Dowski, Jr.

420228

Serial No.	Filing Date	Examiner	Group Art Unit
10/810,446	March 25, 2004	Alicia M. Harrington	2873

Invention      Mechanically-Adjustable Optical Phase Filters For Modifying Depth Of Field,  
Aberration-Tolerance, Anti-Aliasing In Optical Systems

I hereby certify that the following: Transmittal Form (1 page); Information Disclosure Statement Transmittal (2 pages); Form 1449 (2 pages); Copy of 13 References; Fee Transmittal For FY 2005 (1 page in duplicate); authorization to charge \$180 for the late filing of Information Disclosure Statement; authorization to charge additional fees that may be required, or credit any overpayment, to Deposit Account No. 12-0600 and return post card are being mailed in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 1st day of August, 2005.

MiMi Nguyen  
Name of Depositor

  
Signature of Depositor

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Express Mail Label No.